

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

DAVID BYRD,

Plaintiff,

vs.

CV 97-H-3082-E

STATE OF ALABAMA, CALHOUN
COUNTY, and SHERIFF LARRY
AMERSON,

Defendants.



ENTERED

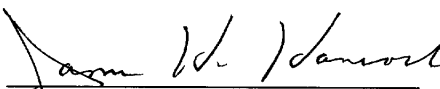
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MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on February 11, 1998, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 4th day of MARCH, 1998.



JAMES H. HANCOCK
UNITED STATES DISTRICT JUDGE

7